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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,190	09/27/2001	Christopher Medcalf	BAI525-540/01809	2827

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EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,190

Applicant(s)

MEDCALF, CHRISTOPHER

Examiner

XIAO M. WU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 4-5 and 10-12 is withdrawn in view of the newly discovered reference(s) to Kim (US Patent No. 6,377,275). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first display" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claims 13 and 14 recites the limitation "the first display" in line 7, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosotani (US Patent No. 6,611,270) in view Kim (US Patent NO. 6,377,275).

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As to claims 1, 10-14, Hosotani discloses a system for the control of the generation of an on-screen display on a display screen, the system comprising: control means (1, Fig. 9) for the display which continue to operate the system until a request to draw into a data buffer memory of the display is received and the control means detects whether or not a vertical synchronization signal for the display screen has occurred. For example, the OSD logical circuit 96 of Hosotani is allowed to access to the OSD-RAM 4 when a vertical synchronization signal Sv set to a high level (H) "1" is input to the OSD logical circuit, and the OSD logical circuit 96 does not access to the OSD-RAM 4 when the vertical synchronization signal Sv set to a low level (L) "0" is input to the OSD logical circuit 96, see col. 16, lines 47-65). It is noted that Hosotani does not specifically disclose that the movement of the area or deletion of the region of the on screen display. Kim is cited to teach an OSD control device similar to Hosotani. Kim further discloses that the on-screen display can be moved or erasing or combining both moving and erasing based on the predetermined time and the vertical synchronization signal (see Figs. 2, 6, 8-10 and 12, and also see col. 5, line 56 to col. 6, line 9). It would have been obvious to one of ordinary skill in the art to have modified Hosotani with the features of the OSD moving or/and erasing control as taught by Kim so as to prevent the display device from being damaged by the OSD (col. 1, lines 60-63).

As to claim 2, Hosotani discloses that the generation, addition or other alternation with regard to the part of the on-screen display occurs immediately when the vertical synchronization signal has occurred (col. 17, lines 24-43).

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As to claim 6, Hosotani discloses that the system is controlled with regard to the occurrence of the vertical synchronization signal with respect to those changes in the on-screen display would not cause an artifacts to be created n screen (col. 17, lines 61-62).

As to claim 7, Hosotani discloses that the request for an alternation is made, the first on-screen display continues to be displayed until the generation of the change occurs (col. 17, lines 7-16).

As to claim 8, Hosotani discloses the control means delays a new operation until the vertical synchronization signal has occurred 9col. 16, line 66 to col. 17, line4).

As to claim 9, Hosotani discloses the generation of a second display occurs when a vertical synchronization signal has occurred in the intervening period of time (see Fig. 10).

Response to Arguments

6. Applicant's arguments with respect to claims 1-2 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patent 5,640,172 is cited to teach an on-screen display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

April 16, 2005



XIAO M. WU
Primary Examiner
Art Unit 2674